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INTELLECTUAL PROPERTY
402-391-4448

April 24, 2004

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED "MULTIPLE AOI SYSTEM FOR EASY CHANGING ANGLES-OF-INCIDENCE IN ELLIPSOMETER, POLARIMETER, REFLECTOMETER AND THE LIKE SYSTEMS";
SERIAL NO. 10/050,802;
FILE DATE: 01/15/2002;
ART UNIT: 2877;
EXAMINER: PHAM.

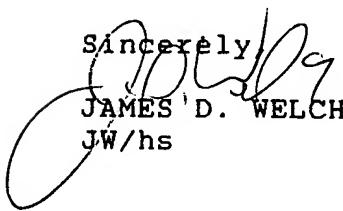
Dear Sir;

I am in receipt of a Requirement of Restriction regarding the identified Application. Election between Claims 1 - 19 and Claims 20 - 51 is required, in addition to identifying a Species.

Election is made of Claims 1 - 19, and of the Species shown in Figs. 2, 3a, 3b and 8. Said embodiment involves means for changing the Angle-of-Incidence AOI of a beam of electromagnetic radiation onto a sample spot via sliding said means into and out of the beam. Note that Fig. 8 shows how B and B' of Fig. 2 slide into and out of a beam, and Figs 3a and 3b demonstrate various AOI changing systems (S1) (S2) (S3) as positioned to variously intercept a beam of electromagnetic radiation (E) in side view. Claims 1 and 2 together, and 6, 7, 8, 9 and 10 focus on, or can be modified to focus on, this realization. It is believed that Claim 11 - 19 is further within the Elected Species, or can be modified to require physical motion of the means for changing the AOI of a beam of electromagnetic radiation onto a sample spot, (ie. via sliding said means, (eg. (S1) (S2) S3) into and out of the beam (E)).

However, it is noted that Claim 1 is generic to all embodiments in Claims depending therefrom, which embodiments achieve the same result, but without requiring physical sliding motion of a means for changing the AOI of a beam of electromagnetic radiation onto a sample spot, but rather utilize electrically effected beam pathway switching. The requirement of Species selection is thus traversed on the basis that it is the changing of the AOI without adjusting position of Source and Detector is Generic.

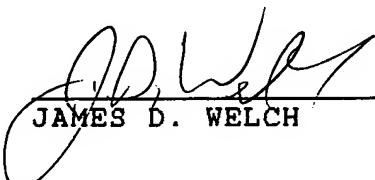
Sincerely


JAMES D. WELCH
JW/hs

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JAMES D. WELCH 4/30/04
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